

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

BETSY DeVOS, in her official capacity as  
Secretary of the United States Department of  
Education; and the UNITED STATES  
DEPARTMENT OF EDUCATION, a federal  
agency,

Defendants.

NO. 2:20-cv-01119-MLP

ORDER GRANTING STATE OF  
WASHINGTON'S MOTION FOR  
PRELIMINARY INJUNCTION  
[PROPOSED ORDER]

NOTED FOR: August 14, 2020

This matter came before the Court on Plaintiff State of Washington's Motion for Preliminary Injunction. The Court has considered all of the following:

1. Plaintiff State of Washington's Motion for Preliminary Injunction with supporting declarations and exhibits;
2. Defendants' Response to Plaintiff State of Washington's Motion for Preliminary Injunction;
3. Plaintiff State of Washington's Reply in Support of Motion for Preliminary Injunction; and
4. The entire record in the above-captioned matter.

1 Being fully apprised of the matter, now, therefore, it is hereby

2 ORDERED, ADJUDGED, AND DECREED that Plaintiff State of Washington's Motion  
3 for Preliminary Injunction is hereby GRANTED.

4 The Court finds that Washington has established a likelihood of success on the merits of  
5 its claims under the Administrative Procedure Act, and the U.S. Constitution, that they would  
6 suffer irreparable harm absent preliminary injunctive relief, and that the balance of equities and  
7 the public interest weigh in favor of an injunction.

8 The Court, therefore, hereby GRANTS a preliminary injunction against the  
9 implementation or enforcement of the Department's Rule that directly curtails the control  
10 Congress gave Washington's Governor, OSPI, and LEAs over emergency funds to provide  
11 essential services to the neediest students. The Court finds that Congress intended for CARES  
12 Act funds to be distributed according to section 1117 of the ESEA, which measures funds to be  
13 shared with private schools based on the number of students from low-income families at those  
14 schools. If the Department's Rule were to continue to be in effect, it would irreparably injure  
15 Washington's public schools, and their students.

16 Thus, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, the Department of  
17 Education, its officers, agents, servants, employees, and attorneys, and any person in active  
18 concert or participation with them, are hereby PRELIMINARILY ENJOINED from  
19 implementing or enforcing the Rule issued on July 1, 2020, that forces Washington and its school  
20 districts to choose from two formulas not found in section 1117 of the ESEA to calculate the  
21 disbursement of emergency funds, in any manner or in any respect, and shall preserve the status  
22 quo until further order of the Court.

1 No bond shall be required pursuant to Federal Rule of Civil Procedure 65(c).

2 It is SO ORDERED.

3 ISSUED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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5 \_\_\_\_\_  
6 THE HONORABLE

7 Presented by:

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